

BRITISH AGGREGATES ASSOCIATION

12 February 2008

Consultation on Planning Enforcement Regulations
Planning Directorate
The Scottish Government
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Dear Sir/ Madam

Consultation on Planning Enforcement Regulations 2007

We thank you for giving us the opportunity to comment of the above.

The British Aggregates Association is a trade association that looks after the interests of the independent quarry operator throughout Scotland and the rest of the UK. We are involved with the consultation process with all government departments that have an interest in our industry in Scotland, England and Wales.

Regarding this particular consultation we have restricted our comments to matters concerning **Temporary Stop Notices** and answer as follows.

Question 8. Are you content with the proposed draft Regulations and if not why not?

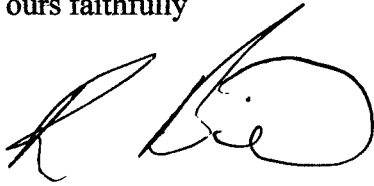
Unauthorised Development needs to be defined. For example not having planning consent is unauthorised development. However, where there is a dispute concerning the *interpretation* of the planning consent, then there has to be safeguards for the operator and Temporary Stop Notices should not be used in this instance. The key word here is *interpretation* (which in itself implies that there has been a consent). For example a consented mineral extraction operation may cease working because of market conditions. If it reopens for production within say 10 years (the current Landbank period) then it should not have to meet any new planning conditions that would not apply if the operation had continued working throughout. A Temporary Stop Notice should not be applied in this case because it is **interpretation** of how new rules may apply, rather than blatant abuse of the rules. Blatant abuse of the rules would apply for example, if there was dumping of waste in a quarry without the proper licence. Another fairly common example of blatant abuse is the extraction of minerals from agricultural sites in order to sell on the market on the basis that no planning consent is required as the action is supposed to be "farm restitution". In these cases of blatant abuse Temporary Stop Notices would apply and they would avoid the "appeal" situation, which currently allows the action to continue until heard at a later date. (Much to the annoyance of legitimate operators who are competing fairly, and comply with planning rules.)

It may be in order to put forward a list of "unauthorised developments" or "blatant abuse" as a guide to where Temporary Stop notices may be used.



Once again we thank you for giving us the opportunity of commenting on this consultation and request that you contact the writer should you require any clarification on any of the above points.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Richard Bird'. The signature is fluid and cursive, with a large, rounded 'B' and a distinct 'D'.

Richard Bird
Executive Officer